

REMARKS

Claims 1, 11, 12, and 22-26 are pending in this application.

Applicant has amended claims 1, 11, 12, and 22-26. The changes to the claims made herein do not introduce any new matter.

Rejection Under 35 U.S.C. § 102

Applicant respectfully requests reconsideration of the rejection of claims 1, 11, 12, and 22-26 under 35 U.S.C. § 102(b) as being anticipated by *Yamaguchi* (US 6,023,524). As will be explained in more detail below, the *Yamaguchi* reference does not disclose each and every feature specified in independent claims 1, 11, 12, and 22-26, as amended herein.

Applicant has amended each of independent claims 1, 11, 12, and 22-26 to recite a first average brightness value in a partial area including the subject position, and a second average brightness value for the entire image, and to recite that the backlight decision is executed using first and second average brightness values. Support for the changes made to the claims can be found in Applicant's specification (see, for example, Figure 12 and the description thereof in Applicant's specification).

The *Yamaguchi* reference discloses a method for determining the amount of exposure. Relative to the presently claimed subject matter, however, *Yamaguchi* does not disclose (or suggest) the use of two average brightness values to execute a backlight decision. Thus, for at least this reason, the *Yamaguchi* reference does not disclose each and every feature of present claims 1, 11, 12, and 22-26.

Accordingly, independent claims 1, 11, 12, and 22-26, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Yamaguchi*.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1, 11, 12, and 22-26, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP057).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.

/Peter B. Martine/

Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer Number 25920